S.B. CIVIL WRIT PETITION NO. 4875/2005.
(KALWANT PUNIA VS. STATE & ORS.)

DATE OF ORDER : 17.11.2006.

HON'BLE MR. GOVIND MATHUR, J.

Mr. R.K. Bohra for the petitioner/s.
Mr. B.L. Tiwari, Dy.GA, for the respondent/s.

In pursuant to the notification Annexure 1, the petitioner faced selection proceedings for appointment as Teacher Grade III . He was declared successful in the written test, however, on scrutiny of the documents it was found that on 05.07.2005 i.e. the date on which the result of the written examination was declared, the petitioner was not possessing either the Basic School Training Certificate or Teacher's Degree in Education i.e. necessary to be appointed as Teacher Grade III. Accordingly, the Rajasthan Public Service Commission, Ajmer by its communication dated 26.07.2005 conveyed the petitioner that his candidature has been rejected as he lacks the eligibility to be appointed as Teacher Grade III. Being aggrieved by the same, this petition for writ is preferred.

A reply to the writ petition has been filed on behalf of the respondents stating therein that for the purpose of appointment as Teacher Grade III, the eligibility is that an incumbent beside the other qualifications, is required to have

either Teacher's Degree in Education or Basic School Training Certificate. The petitioner was not having the same up to 05.07.2005 the date on which the result of the petitioner was declared, as such his candidature was rejected,

Heard counsel for the parties.

It is the position admitted that on the date of declaring result by the respondent Commission, the petitioner was not possessing the eligibility required for appointment to the post of Teacher Grade III. This Court in the case of Malu Ram vs. The State (SBCW No.3290/2006, decided on 07.07.06) held as under:-

> "It is the position admitted that the petitioner was not possessing the qualification necessary to be appointed as Teacher under the Rules of 1996 on 5.1.2005, the date on which result of the Examination-2004 was declared. It is true that the petitioner in pursuance to proviso to Rule 266(3) of the Rules of 1996 was permitted to appear in the Examination-2004 and he was also declared successful in the examination but he was admittedly not eligible to undergo the examination and to be appointed as Teacher under the Rules of 1996 on the date of declaration of the result i.e. 5.1.2005. A person for the purpose of appointment should possess eligibility to hold the post when the selection

proceedings acquire finality. In the instant matter the examination acquired finality on declaration of its result and on that date the petitioner was not possessing required qualification, therefore, I do not find any illegality in rejecting the petitioner's candidature/application for the purpose of appointment to the post of Teacher under the Rules of 1996."

In view of position of law discussed above, I do not find any illegality in the decision of the respondents rejecting claim of the petitioner.

The petition for writ, therefore, is dismissed.

(GOVIND MATHUR)J.

Anil/